

Application No.: 10/814,632

Docket No.: 29953-199349

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs 1, 2 and 3. The sheets, replace original sheets 1 and 2.

Attachment: Replacement Sheet

REMARKS

Claims 1-8 and 10-21 and 23 are now pending in this application. Claims 9 and 22 have been canceled by this amendment. Each of the pending claims is believe to define an invention which is novel and unobvious over the cited references. Favorable reconsideration of this case is respectfully requested.

Regarding the objection to the drawings, Replacement Sheets including Figures 1-3 are submitted herewith on separate sheets. The reference numerals have been clarified. Its is respectfully submitted that the drawings show every feature of the invention specified in the claims. Claim 9 and 22 have been canceled. The steps for improving the strength of a container recited in claims 10-21 and 23 including providing a trust structure in a waist are illustrated in Figures 1-3 by at least elements 20, 22, 24, 26 and 38-40. Therefore, the withdrawal of the objection to the drawings is respectfully requested.

Page 11 of the disclosure has been amended to correct the informality noted by the Examiner. Claim 15 has been amended to correct its informality. Consequently, the withdrawal of the objection to the disclosure is respectfully requested.

Claims 5, 9, 10, and 13 have been rejected under 35, U.S.C. 112, second paragraph as being indefinite. Claim 9 has been cancel. The remaining claims have been amended to correct the informalities noted by the Examiner. Its is respectfully requested that all pending claims are now in all aspects in compliance with 35 U.S.C. 112, second paragraph. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-9, 11-14, 16 and 18-23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,224,614 to Bono et al. Bono et al. do not render the claimed invention obvious as they fail to teach or suggest at least a truss structure that maintains the top load strength of the container.

Bono et al. describe a container including a grip area 50. The grip area 50 is substantially rigid 50 to that a user can easily grip the bottle along the grip area to pour liquid without causing the grip area to deform to any appreciable extent, column 5, lines 31-35. Three dimensional reinforcing means are provided in the grip area 50. Bono et al. teach that the addition of three dimensional reinforcing means substantially increases the rigidity of the grip area 50, column 6, lines 4-7. The three dimensional reinforcing means is designed such that a user lifting and pouring from the bottle does not cause any appreciable deformation of the grip area 50. This enables the user to maintain complete control of the pouring operation in a manner similar to substantially rigid bottles, for example, see column 6, lines 6-28, of Bono et al.

There is no teaching or suggestion in Bono et al. of the three dimensional reinforcing means, such as protrusions 170 or ribs 270, of providing, maintaining or increasing the top load strength of the container. The three dimensional reinforcing means simply provided rigidity to the grip area 50.

In contrast, independent claims 1, 12 and 19 now recite that a surface in the waist of the container is configured to maintain the top load strength and improve the hoop strength of the waist of the container. As discussed above, there is no teaching or suggestion in Bono et al. of this feature. Moreover, independent claims 8 and 16 have been amended to recite that a plurality of panels provided in the waist are 20-40% thicker than first and second ridges, for examples ridges 22 and 28 described in the present application.

In view of the above, it is clear that the cited reference does not teach or suggest the claimed invention. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication Number 2002/-158038 to Heisel et al. Heisel et al. do not render the claimed invention obvious as they fail to teach or suggest at least a truss structure that can maintain the top load strength of the container and provide hoop strength for the container waist.

Heisel et al. describe a container including a flexing portion formed about a sidewall 104. The container 100 is filled with a liquid. The flexing portion is strong enough to resist the internal pressure on the plastic container 100 caused by the liquid at room temperature, please see paragraph 50. The container and liquid then go through a sterilization process in which very high over pressure may occur, wherein the pressure outside the plastic container 100 is greater than the pressure inside the pressure container 100. Therefore, the container 100 is compressed throughout. The flexing portion 112 accommodates this over pressure. The flexing portion 112, relieves the pressure between the inside and outside of the plastic container 100, please see paragraph 53-55. The flexing portion 112 accommodates pressure changes. There is no mention and Heisel et al. of the flexing portion 112 maintaining the top load strength of the container.

In comparison as discussed above, independent claims 1, 12 and 19 have been amended to recite that the truss structure maintains the top load strength of the container and improves the hoop strength of the container waist. Additionally, independent claims 8 and 16 have been amended to recite that the panels that comprise the truss structure are 20-40% thicker than first and second ridges. There is no teaching and suggestion of Heisel et al. of the features now recited in the independent claims.

In view of the above, it is clear that the cited reference does not teach or suggest the claimed invention. Therefore, the withdrawal of this rejection is respectfully requested.

It is respectfully submitted that all pending claims are now in allowable form and early issuance of a Notice of Allowance is respectfully solicited.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arranged for such an interview.

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The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

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Respectfully submitted,

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